

Minutes
JUDGES' ADVISORY COMMITTEE ON E-FILING
Bridgeport Juvenile, 1st Floor Conference Room
Tuesday September 13, 2011 – 1:00 – 4:00

Those present: Hon. Patrick L. Carroll III (Chair), Hon. Barbara Bellis, Hon. Marshall K. Berger, Hon. Linda K. Lager, and Hon. Barbara Bailey Jongbloed

Staff in attendance: Beth Bickley; P.J. Deak; Lucio DeLuca; Tais Ericson; Melissa Farley; Johanna Greenfield; Dan Horwitch; David Iaccarino; Nancy Kierstead; and Alice Mastrony.

1. Welcome & Statistics – The meeting was called to order at 1:08 PM.
2. Appellate Court Access to Paperless Civil Files – Judge Carroll reported that currently one paperless case is in the appellate court. A full implementation of appellate system accessing files electronically will take more time, but the Chief Justice is behind the effort to encourage the appellate system to accept electronic access to the paperless files.
3. Eliminate Couriered Paper Reports from Cater – After feedback from clerks' offices, most of the reports from the civil/family system that are printed daily, weekly, monthly and then couriered around the state are no longer necessary. Beginning October 1, two reports, the weekly and monthly sealed reports, will go out through interdepartmental mail and the courier will no longer be needed.
4. Revised E-filing Release Schedule – 4.0 – Although it has been a struggle, the June 23, 2012 date is still the projected date for the release that gets us off CATER. The family roll-out might occur more quickly as a result of the urgency caused by the budget issues. The first phase is now slated for February of 2013, when e-filing in family cases (dissolutions/legal separations) will be mandatory for attorneys and available for self-represented parties. The next phase will be May of 2013, approximately six months ahead of schedule. The 8.0 release is set for October of 2013. Court Operations is trying to get all business requirements completed by January of 2012 to allow ample time to work on any issues.

The intent is to phase in family e-filing as we did with civil e-filing. It is more difficult in family cases, because they generally have a longer life span so it will take much longer to go completely paperless. Retroscanning, when we implemented civil, seemed like an overwhelming burden. After discussion, the suggestion was made that we consider hybrid files, with both electronic and paper filings. The business process team and the steering committee will look at the possibility of having the official file be a hybrid file and report back at the next meeting.

Judge Berger inquired about the need for any rules changes in connection with e-filing. Attorney Greenfield talked about the issues with the clerk's electronic signature on documents. Legislation was proposed but did not pass in the past legislative session. It is being proposed again, but the sense is that permitting an electronic signature by a clerk could be done through the E-Services Procedures and Technical Standards.

Providing Support Enforcement with appropriate access was an issue that has already been addressed.

Deputy Director Iaccarino and Attorney Greenfield will talk with Judge Munro to determine whether she sees any issues with rules in connection with the implementation of e-filing in family cases.

Judge Bellis asked about paperless noticing. Mr. Deak said that paperless noticing will be feasible after we get off CATER, and if the schedule for the releases through 2013 is realistic, paperless noticing could be done shortly after the 2013 releases.

5. Request Short Calendars be moved from 6/25/12 to 6/26/12 – The release in June eliminating CATER will be pushed beginning June 23, 2012, a Friday. This date was initially chosen to coincide with the annual meeting, which would have resulted in a light day on the following Monday, June 25th. The meeting date was changed, but JIS would still like to have a light day after the push to address any potential issues. They have asked if short calendar could be moved to the 26th, a Tuesday. After discussion, it was agreed that the calendar could be moved.
6. Pre 4.0 – Eliminate Order Page Request for e-filed Documents – Mr. Deak explained that it requires a small amount of re-programming to eliminate the question on attaching an order page from the system. The question of eliminating the order section on forms came up and after discussion, it was determined that the best approach would be to revise the forms as they come up for review, with the possibility of revising frequently used forms at an earlier time. Most of the concern is about manuscripted forms, which will be addressed by the rule, which is effective January 1, 2012.
7. Pre 4.0 – Changes to P.B. 3-3, 3-4, 3-5 and Appearance Form – The appearance form has been revised to reflect the changes to the rules that require attorneys to send a copy of the form to other appearing parties and counsel or record, and as of January 1, 2012, the notice of appearance will not be sent out. The Committee approved the plan to take the system down on Friday, December 30th at 5:00 p.m. to allow the changes to be implemented.
8. 4.0 – “Error” and “Vacated” Watermark for PDFs in 4.0 release – Orders are occasionally entered in error or are vacated after the entry of the order for a variety of reasons. In the paper world, in this situation, a note is made on the document itself; in the electronic world, no mechanism for putting “vacated” on an electronic document exists. JIS suggested adding a watermark to the document that would appear when the document displays or when the document is printed. The underlying document would remain the same, but if someone were to view it or print it, the words would go on the document. The clerk would add the watermark to the document upon the order of the judge. This option will be added to the 4.0 release. Once it is in place, judges would be instructed to send the order on adding the watermark to the clerk for completion. This proposal was unanimously accepted by the Committee.
9. 4.0 – Motions to Seal or Close – Upload to the Internet – The display of result information on the short calendar for family and civil matters in connection with motions to seal or close is not currently the same. Consistency of display would make implementation much easier. The civil and family rules on posting in connection with these motions are not the same. Attorney Horwitch will review the rules and report back at the next meeting.
10. Public Access to Electronic Documents and JDNOs – Judge Bellis discussed the confusion she has encountered on the part of the public, the press and judges with regard to what is viewable on public access computers at the courthouse vs. what is viewable on the website. As a result of the way in which many orders are entered, the results that display on the public website are not helpful. She suggested displaying the judicial notices (JDNOs) on the public website. The technology to access these notices already exists, but it is “turned off” for the public website.

A long discussion ensued over a variety of issues and questions, including displaying JDNOs with scheduling information, why we use JDNOs to disseminate administrative information, what information should be displayed, whether orders on sealed motions should be displayed, whether doing the display will impact getting off CATER, and how displaying the notices would make it easier by eliminating phone calls on motion results.

Attorney D'Alesio suggested setting a date on which we would begin displaying the notices for the public as a means of moving towards opening files up in general. If there are problems, the Committee can revisit the decision. The Committee agreed that JIS will do the work to accomplish this expanded access in December or January, based on their ability to allocate resources. It will probably be handled in the “clean-up week” that follows a sprint. Once that work is completed, the public site will provide access to any JDNO and any order or memorandum of decision except for

those on a sealed pleading or motion. When people go to a case on the public site, they will be able to view the list of documents, click on a button that will display the JDNOs sent out on a case, and click on a hyperlink for any order or memorandum of decision in the case.

11. Personal Identifying Information in Current Files – A more general question was raised as to whether it was time to open the entire system and all unsealed documents to the public and the continued filing of personal identifying information in approximately 11% of the cases reviewed. The media is very interested in having remote public access to e-filed documents and files, but there is still concern about publishing personal identifying information on the part of the Branch. The question about how to further reduce the amount of information included in pleadings, how and when to hold the attorneys accountable for filing this information, and whether it is possible to identify the frequent offenders was also discussed.

Attorney Kierstead will compile a list of the attorneys and firms who have filed personal identifying information. Those attorneys and firms will be dealt with individually.

12. Family Use of the Workflow Queue for Internal Communications – Judge Bellis asked if it would be feasible and practical to provide access to the workflow queue to the family judges for their use in communicating with the clerks and caseload. It would get them more accustomed to using the queue, in advance of their using it when family cases become e-filable. After discussion, the Committee decided to put the queue for family use on the back burner for now because it would require substantial programming time for something that might not be used.
13. 4.0+ - Clerk's ability to edit the *Additional Description* field – When an attorney or eventually a self-represented party files a document, there is a field where they can type in something freeform. For the most part, the information included in this field is useful, such as referencing other related motions or documents or the date of a requested continuance. However, it is a field in which anything could be added and the information in the field is displayed on the case detail page. Currently, no mechanism exists to remove this text that is included in this field. After extensive discussion, the Committee agreed that there is no need to create a means of removing this information. If problems occur as e-filing expands, the Committee can reconsider this question, possibly creating a dropdown for the additional description field that would provide limited options to the filer. Until a problem arises, however, no need exists to add this option.
14. 4.0+ - Report Back – Judge Bellis requested that an electronic file contain some type of indicator that would alert the judge, clerk or the public that documents exist outside of the paperless file. For example, an original affidavit or a bulky exhibit that cannot be put into an electronic format might be in the Clerk's Office but without a flag or other indicator, it could be missed. Business process requirements will be developed for this, and it will be worked on after the 4.0 release.
15. 4.0+ - Individual Judge Bulk Assignment – Currently there is no mechanism to be able to assign cases randomly and evenly to each judge when the cases are initially created in the system without having to touch each case manually to assign the individual judge. Judge Munro and her committee had expressed an interest in having the ability to create individual calendar assignments. This would be a major change, and is something that the Chief Justice is interested in. The concept will be part of re-engineering, and it will be discussed further after the 4.0 release.
16. Standardized Short Calendar Prep Processes – This matter was taken off the agenda.
17. Projects that will require labor from CV/FA e-filing in the next year – In addition to e-filing in the trial courts, multiple other projects require time and effort from the IT division, including the FTR project, appellate e-filing, and the development of other systems that use e-filing. Obtaining extracted data from e-filing makes sense since it is the most updated system, but all of this connecting will impact the system. Judge Carroll pointed out the great demands placed on IT with all the demands from various systems.

18. Update: Personal Identifying Information (P.B. 11-20B/4-7) – The revised rule for civil cases is set, and work is continuing on a similar rule for family cases.
19. Update: Administrative Appeals – The new rule on land use appeals is effective January 1, 2012, and we are currently meeting with the attorneys general and other practitioners to try to streamline the process and reduce the size of the record in administrative appeals under the Uniform Administrative Procedures Act.
20. Update: Rule Change Proposals – The rules proposed by the Judges Advisory in connection with e-filing have been approved and become effective January 1, 2012. At the last meeting, the Committee asked that Section 3-8 regarding appearances for represented parties be eliminated. A proposal to eliminate the rule has been sent to the rules committee.
21. Update: 120 Day Decision Report – Tools are in place to track the 120-day report, and efforts are being made to increase the effectiveness of those tools. A Court Operations policy is in place for caseload coordinators to monitor the 120-day report, although it is more difficult to monitor in family cases. Short calendar is an area that has some problems with the 120-day rule.

Further discussion on this item was tabled until the next meeting of the Committee.

22. Update: Family Judge Training – The initial training is completed, but without the necessary equipment, the computer and the available electronic system will be of limited use.
23. Update: E-filing medical records, IME and Expert Witness Reports – Judge Lager reported that the Civil Commission at its March meeting unanimously approved changes to P.B. Sec. 13-4 (b) (1) and (2) to make it clear that reports of expert witnesses and medical records and reports are not to be filed with the court as part of the disclosure of expert witness process. The Commission asked that the revised rule be passed along to the Judges Advisory Committee and the Rules Committee. It will now be referred to the Rules Committee.
24. Update: Equipment – Lucio DeLuca reported on the physical inspection of all 51 courtrooms that are used for family cases and 103 work stations. Between 30 and 40 desktop computers will have to be purchased for judges, family support magistrates or clerks in order to have all 51 courtrooms ready for e-filing. In addition, Internet and electrical wiring will also have to be taken care of, as well as drilling holes in the benches to accommodate the wiring. The cost estimate is approximately \$53,000. The State Justice Institute is interested in providing grant money for projects involving self-represented parties, so Lucio DeLuca will speak with Attorney Arkin regarding this possibility.
25. Update: Retention of Original Bonds – The Procedures and Technical Standards were updated to reflect that bonds submitted in paper format will be scanned and retained by the clerk.
26. Policy on P.B. 7-10/7-11 and Destructions of Files – A situation occurred in which a civil case had been withdrawn, and the one-year retention period under P.B. Sec. 7-10 had passed. The file had not been destroyed, but it was no longer available electronically. The attorney wanted to file a motion to open and was unable to file it electronically. Should that ability be developed to permit electronic filing in future situations like this one? The Committee agreed that it was not necessary. The motion could be filed on paper, and if granted, the electronic file could be restored.

The underlying question is whether the retention schedule should be revised. Although server size is not a problem currently, the set of cases that would be returned in response to a search will grow larger and larger. Eventually, the question of electronic retention of files will have to be addressed.

27. Procedures for PJR Order Processing (Paper vs. Electronic) – Judge Bellis asked whether a consistent policy on processing PJRs should be developed. Currently, orders are entered on applications for PJRs on paper or electronically (or in both formats) depending upon the judicial

28. State Agency Access to Electronic Files/Documents – A request was made to provide access to a state agency to electronic files and documents. Nothing will be done right now, but it was mentioned that when the Orders and JDNOs become available on the public site in December/January, the state agencies will be able to access those documents, thereby giving them some of the access they are looking seeking.
29. Requests to turn a paper file (4) into an e-filable file (5) – The Committee thought it would be helpful to be able to allow electronic filing, even in older cases. Suggestions for accomplishing this change included making it a hybrid file, creating a companion file, and giving the case an entirely new docket number. P.J. Deak and Beth Bickley will discuss the possibilities to determine if a means to accomplish this conversion could be developed that would be practical from a time and difficulty perspective.
30. Attorneys with No Office Address – A situation in which an attorney filing an appearance had no office address occurred in Bridgeport recently. CATER draws appearance information from the Barmaster, and when no office address is provided, the case detail will not display any address at all. For the short term, if this situation recurs, the Statewide Bar Counsel will contact the lawyer and request that an address be provided. In the future, the system will require the attorney to provide an office address.
31. Update: Edison & e-filing 4.0 release – Currently, Edison is ahead of the curve in terms of the upcoming release, while the e-filing development is struggling to keep up with the projected schedule, and is falling a little bit behind the projected development curve. In January, when their work on Edison will be completed, the staff working on Edison will be available to work on e-filing, which will help e-filing stay current.
32. Memoranda of Decision to the RJD – The inquiry about having an electronic means of transmitting memoranda of decision to the Reporter of Judicial Decisions was discussed, and the Committee agreed that no action was necessary at this time.

Judge Bellis made special note of the hard work and tremendous effort that Beth Bickley and her people and P.J. Deak and his people are doing behind the scenes to make everything work with the Branch's electronic filing and case management. Judge Carroll also commended them and thanked them for the hard work and wonderful job they have been doing and continue to do on this large and challenging undertaking.

The next meeting will be scheduled for the end of October.